

Medicaid program staff met with the Nursing Facility Administrative Practices Taskforce several times during the period of time the Medicaid Services Manual (MSM) Chapter V, Nursing Facilities, was being re-written. Providers were encouraged to send suggestions and concerns regarding specific policies to Medicaid and they would be considered during the re-write. There was minimal response and no concerns regarding the level of care policy were received. Between January 2002 and September 2003, five (5) meetings were held.

Every nursing facility administrator was mailed a courtesy copy of the draft of MSM Chapter 500, Nursing Facilities, (replacement of Chapter V) and asked for feedback during the second week of July 2003. This was done so that providers would have an opportunity to provide comments for consideration prior to the public hearing. Minimal feedback was received and no feedback whatsoever on the level of care policy was received.

Chapter 500 was presented at a public hearing on September 4, 2003 and formally adopted on September 8, 2004. There was no comment or opposition to the draft version of the chapter presented either before or at the public hearing (see attached minutes).

On September 26, 2003, Chapter 500 was presented to the Medical Care Advisory Committee (MCAC) for review (see attached minutes). Paul Boyar, administrator of The Plaza Regency, a nursing facility in Las Vegas, is a member of the MCAC. Mr. Boyar had several comments at this meeting regarding patient liability, but his only comment regarding level of care was to ask when Medicaid was going to start conducting level of care reviews for recipients in the nursing facilities (as described in the chapter). No comment was made by Mr. Boyar or other members of the committee regarding the policy and timeframes for level of care screenings.